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Notice	of Allov	wability
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Application No.	Applicant(s)
10/662,886	NAGASE ET AL.
Examiner	Art Unit
Shamim Ahmed	1765

Notice of Allowability	Examiner	Art Unit	
	Shamim Ahmed	1765	
The MAILING DATE of this communication appe All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI- of the Office or upon petition by the applicant. See 37 CFR 1.313	OR REMAINS) CLOSED in this apport of the communication GHTS. This application is subject to	olication. If not include will be mailed in due	ed course. THIS
1. ☑ This communication is responsive to <u>12/7/05</u> .			
2. ☐ The allowed claim(s) is/are 1.2 and 4-20.			
 Acknowledgment is made of a claim for foreign priority unersulation. a) All b) Some* c) None of the: Certified copies of the priority documents have Certified copies of the priority documents have Copies of the certified copies of the priority documents have Moreover the priority documents have Copies of the certified copies of the priority documents have Copies of the certified copies of the priority documents have Moreover the priority documents have Certified copies of the priority documents have The priority documents have Moreover the priority documents have The priority documents have Moreover the priority documents have Moreover the priority documents have	been received. been received in Application No cuments have been received in this of	national stage applica	
4. A SUBSTITUTE OATH OR DECLARATION must be submit INFORMAL PATENT APPLICATION (PTO-152) which give states of the submit INFORMAL PATENT APPLICATION (PTO-152) which give states of the submit INFORMAL PATENT APPLICATION (PTO-152) which give states of the submit INFORMATION must be submit INFORMATION about the deposit of the submit INFORMATION about the deposit INF	s reason(s) why the oath or declarant be submitted. on's Patent Drawing Review (PTO- Amendment / Comment or in the Comme	etion is deficient. 948) attached Office action of the one of th	e back) of
Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material	5. Notice of Informal P 6. Interview Summary Paper No./Mail Dat 7. Examiner's Amendr 8. Examiner's Stateme 9. Other	(PTO-413), te <u>2/15/06</u> . ment/Comment	,

Art Unit: 1765

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew Mulkeen on 2/15/06.

The application has been amended as follows:

IN THE CLAIMS:

Cancel claims 21-23.

2. The following is an examiner's statement of reasons for allowance: Applicant's argument pages 7-8 and the declaration under 37 CFR 1.132 filed 12/7/05 are persuasive as to the point that the thickness of the electrode layer is critical.

Therefore, the cited prior art does not teach a process of forming a nano-gap electrode including the step of dry etching the electrode layer using focused ion beam (FIB), wherein the thickness of the electrode layer is larger than a maximum ion penetration length of the focused ion beam in the mask pattern forming step as the context of the independent claims 1,15 and 17.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shamim Ahmed whose telephone number is (571) 272-1457. The examiner can normally be reached on M-Thu (7:00-5:30) Every Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine G. Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shamim Ahmed Primary Examiner Art Unit 1765

SA February 15, 2006